

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, June 23, 2015
7:00 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 7:01 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Town Attorney Susan L. Trevarthen, Finance Director Tony Bryan, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pastor James Corgee gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Commissioner Dodd requested a leave of absence for the first Commission meeting in July.

Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.

Commissioner Brown requested that Item 13g be added to have Planning and Zoning review language in the Town's Sign Code.

Town Manager Connie Hoffmann advised that the Applicant for Item 11d on the Consent Agenda has withdrawn that Application.

5. PRESENTATIONS

a. Proclamation Honoring Lt. Daniel Chavez (Steve d'Oliveira, Public Information Officer)

Mayor Sasser read the Proclamation in honor of Lt. Daniel Chavez, which recognized his service and promotion within Lauderdale-By-The-Sea's Volunteer Fire Department from 2008 through May 2015. During this time, Lt. Chavez helped improve the Department's ISO rating from 5 to 3, worked to improve firefighter safety and training, established sound standard operating procedures, and helped organize and coordinate

Town events such as the annual 4th of July fireworks display. Lt. Chavez is now employed by the Coral Springs Fire Department.

Mayor Sasser concluded that June 23, 2015 is officially proclaimed as Daniel Chavez Day in Lauderdale-By-The-Sea. All present recognized Lt. Chavez's contributions with a round of applause.

b. Review of Schematic Design for the Public Restrooms (Connie Hoffmann, Town Manager)

Town Manager Hoffmann introduced Anthony Abbate, Architect, who presented the schematic design the public restrooms. He showed multiple renderings of the facility, noting that drainage can be handled topographically on-site and the paving pattern from the downtown will be extended down the sidewalk then simplified and extended across the site. The design provides for four individual restrooms, plus the potential to create two more in the storage area. That area will be plumbed to facility its conversion to restrooms if the Town decides they are needed. He noted that the facility's design was reviewed by BSO for crime prevention through environmental design and meets all conditions.

Mr. Abbate advised that there is a setback issue at the south property line where the building's overhang extends 2.5 ft. into the required 5 ft. setback near the parking area.

Rebecca Bradley of Cadence Landscape Architects explained that her intent in the site design was to provide a setting that appears to be like a public plaza and green space setting than a restroom structure and parking lot. The landscaping will use native plants as well as native cap rock to create a bollard-like element.

Mr. Abbate noted that the estimate of probable cost is divided into three categories: architecture (190,000), hardscaping/landscaping, and parking. The total estimate comes to \$350,674, which is presently approximately \$80,000 over budget.

Town Manager Hoffmann commented that the project incorporates the paving pattern of the Downtown project so appears to be an extension of that project. Approximately \$250,000 was budgeted for the project, with an additional \$20,000 for landscaping to come from the Public Works Department. The Parking Fund will cover a portion of the cost. She noted that widening the sidewalk is illustrated in the schematic design and recommended, but that cost is not included in the estimate because it is outside the scope of the assignment.

The Commissioners discussed the design, clarifying that the facility will include four Americans with Disabilities Act (ADA)-compliant individual restrooms, each with one toilet, sink, and diaper changing station. It was noted that the rooftop's square footage is 1182 sq. ft.

Commissioner Brown characterized the project as more of a public plaza than a restroom facility, emphasizing its importance to the El Mar Drive area. Commissioner Dodd commented that he had voted in favor of the original project, but did not approve the current design with reduced parking. He wanted to see more parking on the site. Commissioner Sokolow spoke in favor of the design. Mayor Sasser felt the estimated expense of the project was too great.

The Commission discussed whether moving the building slightly to the west would significantly affect the view of the structure from the Oriana condominiums. It was also clarified that low-voltage lighting and irrigation are incorporated into the landscaping budget. Town Manager Hoffmann cautioned against moving the building, pointing out that this could compromise parking on the site and reduce visibility of the building to the public. She noted this was an attractive design and far better than what was on the site when the Oriana condominium owners bought their units.

Commissioner Brown made a motion, seconded by Commissioner Dodd, to move forward with the design as presented. Motion carried 4-1 (Mayor Sasser dissenting).

6. PUBLIC COMMENTS

Mayor Sasser opened public comment.

Jerry Sehl, President of the Kiwanis Club of Lauderdale-By-The-Sea, stated that he was surprised at the expense of a special events application for the September 12-13, 2015 and May 14-15, 2016 Craft Shows. He requested that the Commission consider waiving this fee or making a donation to the Kiwanis Club to cover this expense.

Phil Coles and Diane Dragonetti, residents, advised that they have experienced Code issues regarding the location of trash bins at their home. Mr. Coles explained that after fencing the area where the bins were kept, they have been told their new fence violates the setback. He requested information on how they could address this issue.

Cari McCormick, representing the Oriana Master Association, advised that the Association received a communication from the Town Attorney (responding to their question about the zoning) only two hours prior to the meeting. She expressed concern with the facility's lack of parking, the potential for temporary restrooms at the site during special events, and the view of the site from the Oriana and urged the Commission to not move the project forward without further consideration of the Oriana's objections.

John Boutin, resident, announced that the Windjammer Resort is assembling a float for the 4th of July Parade and encouraged other businesses to participate in next year's event. He also recognized the Village Grille and 101 Ocean for the special events they have planned throughout the season which his customers enjoy.

Edmund Malkoon, resident, advised that the 2015 Hometown Hero nominations are now open. He noted that a secure polling website is available to cast ballots on the nominated individuals. Mr. Malkoon stated that while he approved of the structure and landscaping of the proposed restrooms, he was concerned with backout parking in the alleyway. He also expressed concern with the Commercial Boulevard project, recommending that the median be kept green and remain a consistent width.

With no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

Mayor Sasser addressed the concern raised by Mr. Coles regarding the fence on his property. Assistant Town Manager Bud Bentley advised that Town Code requires a 25 ft. front yard setback and provides for no fencing in front yards. He added that Staff is preparing to review the section of Code addressing the screening of trash bins. He concluded that he would work with the homeowners to seek an alternative method of screening. Vice Mayor Vincent and Commissioner Sokolow agreed that there is a need to address Code for screening at town homes and corner lots, possibly as exceptions.

Mayor Sasser also addressed Ms. McCormick's comment regarding the public restroom. Town Attorney Susan Trevarthen advised that if the Commission wishes to discuss the project further, a motion to reconsider could be entertained. No such motion was made at this time.

Town Attorney Trevarthen continued that the Town has responded to an inquiry submitted by the attorney representing the Oriana Condominium Association, which asked how the public restrooms were a proper use for property zoned RM-25. The response explained that the Town is not generally subject to its own zoning Codes unless the Town Commission enacts legislation subjecting itself to that Code.

7. PUBLIC SAFETY DISCUSSION

a. AMR May 2015 Report

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.

b. BSO May 2015 Report

Commissioner Brown recalled an email from a resident requesting BSO's position on individuals who may be intoxicated while trying to retrieve a car from a valet parking lot. BSO Captain Fred Wood clarified that both valets and intoxicated individuals have contacted BSO when disputes have arisen over this issue.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.

c. VFD May 2015 Report

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.

8. TOWN MANAGER REPORT

a. Chamber of Commerce Welcome Center May Report (Tedra Smith, Town Clerk)

The Commissioners accepted the report without discussion.

b. May 2015 Finance Report (Tony Bryan, Finance Director)

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.

c. Town Manager Report (Connie Hoffmann, Town Manager)

Town Manager Hoffmann referred the Commissioners to p.11 of the Status of Assignments report included in their backup materials. She noted the correction that AMR must respond to a minimum of 90% of all emergency 911 calls each month within six minutes, not six months as the report states.

Commissioner Dodd expressed his disappointment that there seems to be little action by the Florida Development Group to improve the Villa Caprice and Holiday Inn sites. He requested that Staff seek any means possible to encourage the group to act. Town Manager Hoffmann advised that a meeting has been scheduled to discuss fencing at the Florida Development Group's properties, and noted that fines continue to accrue on those properties for code infractions.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

None.

11. CONSENT AGENDA

Vice Mayor Vincent requested that Item 11c be pulled for discussion.

- a. **Modification to Architectural Alliance's Work Authorization for Design of the Commercial Boulevard Mid-Blocks Streetscape Project (Connie Hoffmann, Town Manager)**
- b. **Amendment to the 4th of July Celebration Special Event Permit to Allow Public Parking at The Community Church (Chief Judson Hopping)**

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve 11a and 11b. Motion carried 5-0.

- c. **Special Event Application from the Village Grille and 101 Ocean for Friday Nights Music Entertainment proposed for every Friday starting November 6, 2015 and ending May 27, 2016 (Bud Bentley, Assistant Town Manager)**

Vice Mayor Vincent asked if the Applicant had considered holding special events throughout the off-season, possibly in conjunction with Town efforts. The Applicant replied that he would be willing to do so, although he recalled that previous events in the off-season have been less successful due to the heat. He suggested that off-season events would have to be held in the Pavilion or begin later in the evening.

Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.

- d. **Special Event Application from Whoduz, Inc. for a Weekly Artisan Market proposed for every Saturday starting August 29, 2015 and ending May 28, 2016 (Bud Bentley, Assistant Town Manager)**

Mayor Sasser noted that this Item was removed from the Consent Agenda at the Applicant's request.

12. OLD BUSINESS

None.

The Commissioners took a brief recess at this time.

Mayor Sasser advised that Commissioner Sokolow and Lt. Palmer had planned to address the upcoming 4th of July celebration during Item 14, Commissioner Comments. In the interest of time, he requested that their comments be heard out of order on the Agenda.

Lt. Palmer of BSO reviewed traffic plans for the 4th of July, noting that the annual parade begins at 10 a.m. and will be accompanied by periodic road closures. Additional BSO

Staff will be in town to assist with traffic, and multiple message boards will be placed throughout the Town to alert drivers of events.

The fireworks display is scheduled to begin at 9 p.m. At 8 p.m., vehicular entrances to the Square will be closed due to the high volume of pedestrian traffic moving toward the beach. Residents attending the event are asked to walk, cycle, or take the Pelican Hopper rather than drive. The Pelican Hopper will run from 10 a.m. until midnight and will remain within Town limits all day. Vehicular traffic may be sent west across the bridge after the fireworks display. The bridge will be locked in a down position until roughly 11 p.m.

13. NEW BUSINESS

a. FY16 Budget: Non Profit Funding Requests (Tony Bryan, Finance Director)

Finance Director Tony Bryan advised that the Town has received funding requests from a number of nonprofit agencies, all of which were encouraged to send representatives to tonight's meeting to respond to any questions the Commissioners might have.

Commissioner Dodd requested information on the funds requested for Broward 211, which has asked for a 103% increase over last year. No one from that organization was present and Finance Director Bryan explained he had requested clarification of their numbers but had not yet received an answer. He wondered if the numbers in the application were a typographical error. Commissioner Dodd proposed that the Town provide the same funding donated in previous years.

Town Manager Hoffmann added that Staff had also requested further clarification from the Broward Children's Center, which had also asked for a substantial increase. Marjorie Evans, Executive Director for the organization, indicated noted that the Center assists three families within the Town and has experienced significant funding cuts at the State level. In response to a question from the Town Manager, Ms. Evans indicated that the organization had spent over \$50,000 serving one Town resident alone, explaining that these were individuals with severe disabilities.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve as per 2016 requested contributions, with the exception of 2-1-1, which will receive the same contribution as last year. Motion carried 5-0.

b. State Contracting & Engineering Corporation's Proposed Guaranteed Maximum Price (GMP) and Schedule to Construct the Commercial Boulevard Streetscape Project from A1A to Seagrape Drive (Connie Hoffmann, Town Manager)

Town Manager Hoffmann advised that documentation on this Item was provided in the Commissioners' backup materials, including modifications to one of the bid documents and the GMP summary provided earlier in the day. The proposed guaranteed maximum price (GMP) has not changed; however, roughly \$7500 was moved from an expense for a Public Relations Liaison to the Contingency line item, as any liaison work will be addressed by Town Staff. The project came in over budget by approximately \$450,000 due to the following reasons:

- The cost estimate performed one year ago assumed that the roadway would need only to be milled and resurfaced; however, due to the expansion of sidewalks into the existing roadway, the entire road must also be re-sloped to facilitate drainage. That required that all the asphalt be removed, the rock regarded, and multiple layers of asphalt be applied. That is the single biggest factor in the cost increase.
- The original lighting budget assumed only landscape-level pedestrian lighting; however, to maintain the look of the project for two additional blocks west, the design calls for twelve of the pedestrian lights used in the Plazas, two on each side. These lights also require a new service box.
- Maintenance of traffic (M.O.T.) is roughly \$40,000 over the original estimate, due to the aforementioned additional roadwork and because keeping the road open to traffic required multiple set ups for M.O.T.
- Construction will take longer due to rebuilding the road and lane closures, which increases the price of general conditions.
- Landscaping is estimated at roughly \$72,000 against an original estimate of \$40,000 in order to maintain the lush landscaping to the west of this project.
- Architectural Alliance was asked to include the two parking areas on Bougainvillea Drive in their design, which was not anticipated in the original cost estimate. The Parking Fund can pay the costs associated with these areas.

In addition, Town Manager Hoffmann noted that Staff had hoped to bid the Basin Drive drainage project at the same time as the streetscapes; however, the design of the drainage project is slightly behind schedule. However, State Contracting has agreed there will be overlap in supervision and other general conditions costs if the two projects substantially overlap in duration. That means a lower GMP for the Basin Drive project. In addition, Funds programmed in the Capital Improvement Program (CIP) for the El Mar Greenway may be used toward the streetscape project, as the Town will receive greenway funds from other sources.

Town Manager Hoffmann concluded that the project will take approximately 20 weeks to construct. The options presented for reducing costs, such as reductions in landscaping and lighting, would not realize a great deal of savings. She asked for Commission direction.

The Commissioners discussed the presentation, with Commissioner Brown noting that median landscaping on Commercial Boulevard improves the roadway's appearance and

provides a mild deterrent to jaywalkers. Hugh Johnson, representing Architectural Alliance, advised that sidewalks on the northern side of the street are very narrow from Seagrape Drive to A1A. The median is the only area from which space can be taken to provide wider sidewalks. A portion of the alignment on Commercial Boulevard also compromised the existing median space.

Commissioner Dodd spoke in support of the additional lighting as a public safety consideration, and he wished to keep the generous landscaping. Vice Mayor Vincent requested further information on the costs associated with maintenance of traffic (MOT). Paul Carter of State Contracting advised that MOT includes maintaining both pedestrian and traffic safety, which will require a great deal of work to be done at night with Florida Department of Transportation (FDOT)-approved detours. The project is anticipated to be complete before Thanksgiving if all approval processes are timely.

Commissioner Brown asserted that he would like the cost of landscaping the restroom project to be revisited after comparing some of the prices associated with landscaping the streetscape project, as the restroom project's landscaping costs are significantly higher. Mayor Sasser and Commissioner Sokolow affirmed their support for the planned lighting and landscaping as well.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to move forward as proposed. Motion carried 5-0.

c. FY16 Budget: Emergency Medical Services Contract (Tony Bryan, Finance Director)

The Commissioners commended AMR on their response time and thoroughness. Town Manager Hoffmann clarified that the proposed contract will not be an extension, but will be a new five-year contract.

Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to approve. Motion carried 5-0.

d. FY16 Budget: Fire Fund – Funding Requirements Analysis (Tony Bryan, Finance Director)

Finance Director Bryan advised that Staff has reviewed the five-year projection and the requirements of the Fire Fund. Staff recommends leaving the fire assessment as is for one additional year and revisiting this issue in 2016. Town Manager Hoffmann added that Staff has budgeted to hire a consultant to reevaluate fire fees in 2016 as it has been many years since an independent review has been made.

Commissioner Brown made a motion, seconded by Vice Mayor Vincent, to approve Staff's recommendation. Motion carried 5-0.

e. FY16 Budget: VFD Funding Request (Tony Bryan, Finance Director)

Finance Director Bryan reported that the VFD proposes to increase its operating budget by roughly \$12,000, or 1.5%. The VFD has also submitted a capital request, which did not include Self-Contained Breathing Apparatus (SCBA) equipment; however, Staff has proposed to add this equipment to the request in case the VFD does not receive the grant for the equipment they are anticipating. If the grant is received, the budgeted amount will not be spent.

Commissioner Brown made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.

Mayor Sasser commented that the Commission expects the VFD will improve and correct issues raised in the recent financial audit.

f. August Meeting Schedule (Connie Hoffmann, Town Manager)

The Commissioners agreed by consensus to meet once during the month of August, on Tuesday, August 11.

g. Have Staff Review Digital Signage and Send Back to Planning & Zoning for Further Review and Discussion

Commissioner Brown recalled that Commissioners had received a request from Argenti Jewelers that wished to provide a TV digital sign as part of its window signage. Such signage violates the Code. He suggested that the Commission refer this Item to the Planning and Zoning Department for additional review and feedback.

Town Manager Hoffmann observed that digital signs were considered during the recent review of Sign Code, at which time both the Commission and the Planning and Zoning Board recommended against allowing them. Commissioner Brown and Commissioner Sokolow confirmed that they wished to recommend additional policy discussion on this issue. Mayor Sasser, Vice Mayor Vincent, and Commissioner Dodd pointed out that the Town's policy on this form of signage has already been discussed and determined.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to have Planning and Zoning consider [digital signage] as an Item on their Agenda. Motion carried 5-0.

14.COMMISSIONER COMMENTS

Commissioner Dodd reported that a recent accident in the inlet was discussed at the Hillsboro Inlet meeting. He also noted that the most recent Coastal Oceans Task Force meeting did not include a direct vote on marine sanctuaries; however, there was sufficient alternative language to allow interested officials to continue to press for the

creation of a sanctuary at the County and State levels. He asserted that he will participate in encouraging this process.

With regard to the coral planting project by Nova Southeastern University, Commissioner Dodd noted that the report recently received from Nova was very interesting and noted a high initial survival rate.

Commissioner Sokolow briefly reviewed traffic plans for the 4th of July once more.

Vice Mayor Vincent extended his thanks and congratulations to Lt. Daniel Chavez once more.

15. ORDINANCES

Ordinances 1st Reading

None.

Ordinances 2nd Reading

None.

16. RESOLUTIONS – PUBLIC COMMENTS


None.

17. QUASI JUDICIAL PUBLIC HEARINGS

None.

18. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 9:47 p.m.




Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Smith



Date

Lauderdale-By-The-Sea
Town Commission Regular Meeting
June 23, 2015